

**UNITED STATES DISTRICT COURT**

## DISTRICT OF NEVADA

**ROBERT SPAHR,**

**Case No. 3:19-cv-00267-MMD-CBC**

## **Plaintiff**

## ORDER

V.

## MEDICAL DIRECTOR ELY STATE PRISON et al.,

## Defendants

## I. DISCUSSION

On May 29, 2019, this Court issued an order directing Plaintiff to file an application to proceed *in forma pauperis* and to submit a complaint. (ECF No. 3). On May 31, 2019, Plaintiff filed an application to proceed *in forma pauperis* and submitted a complaint. (ECF Nos. 4, 4-1). However, the application to proceed *in forma pauperis* is incomplete.

Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an application to proceed *in forma pauperis* and attach both an inmate account statement for the past six months and a properly executed financial certificate. Plaintiff has not submitted a properly executed financial certificate or an inmate account statement. (See ECF No. 4). The Court will retain Plaintiff's civil rights complaint (ECF No. 4-1), but will not file it until the matter of the payment of the filing fee is resolved. Plaintiff will be granted one final opportunity to cure the deficiencies of his application to proceed *in forma pauperis* by filing a properly executed financial certificate and an inmate account statement, or in the alternative, pay the full filing fee for this action. If Plaintiff fails to file a properly executed financial certificate and an inmate account statement, the Court will dismiss the case in its entirety, without prejudice, to file a new case when Plaintiff is able to acquire the necessary documents to file a complete application to proceed *in forma pauperis*.

## **II. CONCLUSION**

**For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND**

1 Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well  
2 as the document entitled information and instructions for filing an *in forma pauperis*  
3 application.

4 IT IS FURTHER ORDERED that within **thirty (30) days** from the date of this order,  
5 Plaintiff will either: (1) file a properly executed financial certificate and an inmate account  
6 statement in compliance with 28 U.S.C. § 1915(a); or (2) pay the full \$400 fee for filing a  
7 civil action (which includes the \$350 filing fee and the \$50 administrative fee).

8 IT IS FURTHER ORDERED that, if Plaintiff fails to timely file a properly executed  
9 financial certificate and an inmate account statement, the Court will dismiss the case,  
10 without prejudice, for Plaintiff to file a new case when he is able to acquire the necessary  
11 documents to file a complete application to proceed *in forma pauperis*.

12 DATED: 6/3/2019

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UNITED STATES MAGISTRATE JUDGE

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